

1807-0003

#8
P. Cullen
10/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard Harris)
Application No.: 09/915,054)
Filed: July 25, 2001)
For: Pallet Loading Apparatus)
Attorney Docket No.: 1807-0003)

Group No.: 3652
Examiner: Janice Lee Krizek
Confirmation No.: 6090
October 24, 2002

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Official

Sir:

The following is in response to an Office Action dated September 25, 2002. This response is being filed within the one-month shortened statutory period, so no extensions of time are believed to be necessary. Nevertheless, the Commissioner is authorized to deduct any necessary fees, excluding the issue fee, from Deposit Account No. 13-0014.

In the Office Action, a restriction requirement was levied with respect to two groups of claims, namely claims 1-14 and 16-18 in Group I and claim 15 in Group II. The claims of Group I concern an apparatus for loading articles onto a pallet, while the single claim of the second group is directed to a method for loading article onto a pallet. As required under 37

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§C.F.R. 1.143 Applicant elects the claims of Group I, namely claims 1-14 and 16-18; however, this election is made with traverse.

Pursuant to MPEP §806.05(e), a restriction may be proper between a process and apparatus if the process can be practiced by another materially different apparatus. In making the restriction requirement it was suggested that the process of claim 15 could be performed by hand. However, the steps of claim 15 are clearly intertwined with an apparatus. There is no room in the claim for an article to be transferred by hand from one conveyor section to a pallet on another. Certainly, no apparatus would be necessary if an article was simply manually moved onto a pallet.

Moreover, since the apparatus elements set out in method claim 15 parallel the elements defined in the apparatus claims 1 and 14, examination of claim 15 would require no additional effort. Any search for devices and methods that would be pertinent to the apparatus claims would be relevant to method claim 15. Although the apparatus of the Group I claims may be classified in class 414, subclass 794.7, the search will likely not be restricted to that subclass, and will most likely extend into subclass 802. It was suggested that the method of claim 15 would be classified in subclass 802.

Reconsideration and withdrawal of the restriction requirement is earnestly solicited. If the requirement is maintained, Applicant requests that examination of this application proceed as to the provisionally elected claims 1-14 and 16-18. It is believed that the application is in condition for allowance and action toward that end is also requested. The Examiner is invited to contact the undersigned agent if further issues arise with respect to this application.

Official

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Respectfully submitted,



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S/N 09/915,054

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